



*United States Attorney
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FOR IMMEDIATE RELEASE
JULY 31, 2003

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**PRESIDENT OF CLEANUP COMPANY PLEADS GUILTY
TO ANTHRAX DECONTAMINATION FRAUD SCHEME**

JAMES B. COMEY, the United States Attorney for the Southern District of New York, announced that OSCAR MIRANDA, the President of Azteca Services, Inc. ("Azteca"), based in Port Arthur, Texas, pled guilty today in Manhattan federal court to defrauding the United States Postal Service ("USPS") in connection with the 2001 anthrax decontamination of the USPS Morgan Processing and Distribution Center ("Morgan"), located in New York, New York. MIRANDA also pled guilty to making a false statement to an employee of the Occupational Safety and Health Administration ("OSHA") during an OSHA investigation relating to the decontamination.

According to the criminal Information, MIRANDA falsely represented that Azteca workers who participated in the anthrax decontamination had the training required for the job. The USPS paid over \$1,600,000.00 for their services.

According to the Information, Morgan houses machines used for the processing and sorting of mail. In October, 2001, anthrax

bacteria was determined to be present on some of those machines. The USPS entered into a contract for cleaning and decontamination in Morgan. The USPS required all workers performing the anthrax decontamination to have received specialized training, called "Hazwoper" training. Hazwoper training is required by OSHA rules for certain workers involved in operations that expose or potentially expose them to hazardous substances such as biological and disease-causing agents. Among other things, the OSHA rules require a minimum of 40 hours of training, succeeded by 8 hours of refresher training annually, in the use of personal protective equipment, work practices to minimize risks, and symptoms and signs which might indicate overexposure to hazards. The rules also require that those who have received and successfully completed Hazwoper training be given written certificates, certifying that they have successfully completed the training.

According to the Information, some of the Morgan decontamination work was subcontracted to Azteca. From November 1, 2001, through December 8, 2001, workers employed by Azteca, together with workers employed by other contractors, performed cleaning and decontamination services on the machines where anthrax had been determined to be present.

The Information charges that MIRANDA knew that Azteca workers assigned to the Morgan anthrax decontamination had not received the required Hazwoper training. Nonetheless, according to

the Information, in order to ensure that the Azteca workers would be permitted to be involved in operations that exposed or potentially exposed them to hazardous substances so that he would be paid for and profit from their work, MIRANDA falsely represented that the Azteca workers had received the requisite Hazwoper training and took steps to conceal the fact that they had not. Those steps included creating and submitting bogus Hazwoper training certificates for the Azteca workers, lying about the training given to the Azteca workers, instructing some of the workers to lie about their training, and submitting documents to OSHA that falsely represented that the Azteca workers had received Hazwoper training during 2001.

According to the Information, on November 17, 2001, an OSHA employee interviewed MIRANDA, who falsely stated that he had given all of the Azteca workers 40 hours of hazardous materials training.

MIRANDA pled guilty to two felony counts. The mail fraud charge carries with it a maximum of 5 years in prison and a maximum fine of \$250,000 or twice the gross loss to the victim. The second charge, false statements, carries a maximum sentence of 5 years in prison and a \$250,000 fine.

Sentencing is scheduled to occur on October 27, 2003 at 9:30 am before Judge Robert W. Sweet. MIRANDA, 41, and lives in

Nederland, Texas.

Mr. COMEY praised the efforts of the offices of Inspector General of the United States Department of Labor and of the United States Postal Service in the investigation of this case.

Assistant United States Attorney ANNE C. RYAN is in charge of the prosecution.